Remarks

This paper is filed in response to the office action dated February 4, 2008. After amendment, claims 1-4, 7-8, 13, 15, 18, 20 and 34-46 remain pending in the present application after cancellation of claims 5, 6, 9-12, 14, 16, 17, 19, 21 and 23-33. The presently pending claims are directed to subject matter which is consistent with Applicants' election to prosecution the invention of group I and the elected species. The cancelled claims are cancelled *without prejudice* in response to the Examiner's restriction requirement and Applicants' election. Claims 34-44 and 46, directed to pharmaceutical compositions comprising the compounds of claims 1-3, 7-8, 13, 15, 18, 20 and 45 are new. Support for the amendment to claims can be found throughout the originally filed application and claims. Applicants have amended the specification on page 1 to insert continuation information to indicate priority from the international application. In addition, Applicants have amended the specification to point out the fact that the research which gave rise to the present invention was supported by a grant from the NIH. No new matter has been added by way of the present amendment.

The Examiner has variously objected to the specification and claims or rejected the originally filed claims under 35 U.S.C. §§102 and 103. Applicants shall address each of these rejections in the sections which follow.

The Objection to the Specification

The Examiner has objected to the specification as failing to provide appropriate cross-reference to related applications. In response, Applicants have amended the first page of the specification to point out the at the present application is a §171 national phase filing of international application PCT application PCT/US2005/005557, filed 22 February 2005, and published as WO 2005/079541. In addition, Applicants have amended the specification in order to point out that the present invention was supported by a grant from the National Institutes of Health and that the government retains rights in the invention.

The Claim Objections

The Examiner objected to claim 7 and claims 22 and 22' for the reasons which are stated in the office action on page 4. In response, Applicants have amended claim 7 to remove the term

"form a hydrogen bond". Claim 7 now asserts that substituent X or R^4 may be H. Regarding the duplication of claims 22 and 22' in the originally presented preliminary amendment, Applicants have canceled claim 22' and replaced that claim with claim 34 and its related claims 35-44 and 46. After amendment, Applicants respectfully submit that the presently pending claims address the Examiner's objections in their entirety.

The 35 U.S.C. §102(b) Rejection

The Examiner rejected originally filed claims 1-4, 7-8, 13, 15, 18, 20 and 22 and 22' as being anticipated by Burdick, WO 99/49856. As amended, Burdick does not anticipate the presently claimed compounds. Burdick is directed to a huge number of compounds which are said to be useful as antagonists for the treatment of CD11/CD18 adhesion receptor mediated disorders. In reviewing the compounds to which the Examiner has pointed which evidences that the originally filed claims are anticipated, Applicants note that each of the prior art compounds has a phenol (hydroxyphenyl) group as neutral species attached to the compound at a distil end of the molecule. Inasmuch as the presently claimed compounds do not have an aromatic or cyclic ring at the position corresponding to that of the prior art compounds, no anticipation can possibly be made out.

It is respectfully submitted that the amended claims are not anticipated by the art of record and are in compliance with the requirements of 35 U.S.C.

The 35 U.S.C. §103(a) Rejection

The Examiner has also rejected the previously pending claims as being obvious over the teachings of Burdick. It is the Examiner's position that Burdick teaches compounds which are similar to the present invention and consequently, it would be obvious to simply vary the substitutents to provide the presently claimed compounds. Consequently, the Examiner indicates that the presently claimed invention is unpatentable over the teachings of Burdick. Applicants respectfully traverse the Examiner's rejection.

As described above, Burdick discloses a number of compounds which contain, at one end, amino acid residues or substituents which are somewhat similar to amino acids. At the distil end of the molecules of Burdick opposite the amino acid residue is a substituent which is

disclosed as being criticial that it be *aromatic.* See the discussion on page 32, *inter alia,* of Burdick. Thus, in Burdick, activity resides in compounds in which the substituent D (at the distil end of the molecule) is aromatic and preferably, monocyclic, bicyclic or tricyclic. See pages 43-37 of Burdick.

The compounds according to the present invention do not contain an aromatic group such as that disclosed in Burdick at a position corresponding to D of the Burdick disclosed molecules, which Burdick describes as *critical.* Thus, there is no aromatic D in the present compounds corresponding to the teachings of Burdick, nor is there motivation to produce compounds according to the present invention from the disclosure of Burdick inasmuch as Burdick described aromaticity of the D substituent as critical. The rigors of that structure activity relationship provided on page 32 indicates that Burdick actually *teaches away* from the present compounds in requiring aromaticity of the D substituent, which is not present in the presently claimed invention. Consequently, it is respectfully submitted that the instantly claimed compounds are novel and non-obvious over the teachings of Burdick.

For the above reasons, Applicants respectfully assert that the presently claimed invention is patentable and meets the requirements of 35 U.S.C. Applicants respectfully submit that the present application is now in condition for allowance and such action is earnestly solicited.

Applicants have cancelled 22 claims and added 13 claims (all dependent). No fee is therefore due for the presentation of this amendment. A petition for a two month extension of time is included as is a check for the appropriate fee.

If any additional fee is due or any overpayment has been made, please charge/credit Deposit Account No. 04-0838.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: "United States Patent and Trademark Office P.O. Box 1450 Alexandria, Virginia 22313-1450" on July 7, 2008.

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